1: Hart & Pilling E-5 (1928-1954) 1960
OI20 Tiwi OI20

quietly slipped away to some other camp and was not seen the following morning. The matter might then die, depending largely on whether the old husband wanted to carry it further or was content to drop it. If the young man was still in camp the following day, the old man might insist on a duel then and there, but it would take place only if the camp were large, since Tiwi duels were essentially legal actions and as such needed a sizable audience for their correct staging. Disputes between men, of which old men accusing young men of seduction were by far the most common type, usually remained at the verbal level until a large body of spectators was available. Since such large concentrations of many households were necessary for the performance of the main collective ceremonials, it was at the time of these ceremonials that most verbal arguments were pushed by the aggrieved party to the action level.

During the dry season (April to November) when travel was easy, the only collective ceremonials sufficiently important to draw together a large number of households were those held for the funerals of big men. In the wet season (November to March) when the grass and bush were high and travel was difficult, the main collective phases of the male initiation ceremonies were held (see Chapter 4), and these brought together for a few weeks at a time large numbers of households. The funeral ceremonies for adults were always held some considerable time after the death and burial of the deceased. How long a period elapsed between the death and the funeral ceremonies depended on the expected size of the gathering, and this figure correlated, at least roughly, with the importance of the deceased. Here again the overriding consideration was food supply, since the chief mourners (that is, the deceased's closer relatives) had to feed everybody who came to the funeral while the ceremonies lasted, which might be almost a week. The more important the dead person the bigger the crowd at his funeral, and hence the greater the amount of time needed by the mourners to arrange the catering. As much as a year might elapse between the death and the time when the mourners felt that the funeral arrangements—especially the food supply, but also the ceremonial preparation—were sufficiently well in hand to permit them to set a date and send out invitations for the funeral ceremonies. Funerals, therefore, were not held at regular times but were individually scheduled at times fixed by the chief mourners. They were always held in the dry season, however (except those of young children, to which nobody came in any case), and therefore an old man who had a dispute to settle or a case to try publicly could always depend on a few big funerals being held in the not very distant future which would provide the large audience necessary to make the settlement of the dispute legal. During the wet season the *kolema* phases of the initiation ceremonial always drew a large attendance; the annual time of these was pretty definitely fixed by the ripening of the *kolema* yams.

Hence the verbal wrangles in the small scattered encampments at night, about seduction during the day, could have any one of three outcomes, depending largely upon the determination of the old man-accuser and the demeanor of the young man-accused. If by the following morning the young man had disappeared and showed no further interest in the old man's menage, the

1: Hart & Pilling E-5 (1928-1954) 1960
OI20 Tiwi OI20

matter might end there. Or the old man might let matters rest until the time of the next big gathering of people at a funeral or at the *kolema* rituals, and then revive the issue under such public circumstances that the accused young man could not slip away unpunished. If he followed this second course, the old man went to the gathering covered from head to foot in white paint, the Tiwi uniform for anybody who came in anger and intended to pick a fight with somebody. The decision between these two lines of action lay, of course, with the old man, and while that decision was to some extent determined by how vindictive and revengeful he felt, nonetheless it was also influenced by how this dispute was related to all the other feuds, disputes, deals, marriage exchanges, and so forth, in which both parties were already involved. Like a good lawyer in our own culture, the old man had to consider, before he took the matter to court, who the young man was and who his friends and relatives were, and had to ask himself whether in seeking vengeance for the blow to his pride he might not be doing himself more political harm than the injury was worth.

In arriving at his decision, the old man was influenced to some extent also by another variable, the attitude of the young man. If the alleged offense occurred only once and the young man denied it and thereafter kept his distance, the accuser would probably let the matter drop. Offenders were very rarely caught *in flagrante*, and the evidence of seduction was almost always circumstantial or hearsay. In every case there was some element of doubt as to whether the right young male was being accused or whether the whole story had not been invented by some of the old wives out of sheer spite toward a young wife. The old man had to take such factors into consideration, not out of any abstract sense of justice, but because, naturally, he didn't like to be made a fool of, either by young men or his own spiteful old wives. But he was most suspicious and unbelieving of his own flighty young wives, and sometimes the accused young man was defiant and persistent in his attentions to the same young wife, or wives. In effect, such a young man was daring the old husband to do his worst. Such continued defiance of the seniority system could not be permitted; it became a case not of simple seduction but of subversive activity, since it was a threat to the whole social structure of the tribe, centered as that was around the marriage of old men to young women. When confronted by such action, a Tiwi elder said (as people of other cultures might), "What would happen if everybody did that? We'd have complete anarchy and free love." Hence an old husband, so defied, was almost duty bound not just to seek satisfaction for the private injury done to himself, but to defend the public weal by hauling the offender before the bar of public opinion and denouncing him before as large a crowd as possible, as a public enemy. If the situation became so flagrant that he could not wait until the next big funeral or the next *kolema* gathering, he began calling in surrounding camps or going himself, dressed in white paint, to summon them to assist him in meting out public justice to the violator of the system. When a sufficient number of upholders of the right (that is, senior heads of households) had been collected together, the usual one-sided duel (see below, Chapter 4) was

1: Hart & Pilling E-5 (1928-1954) 1960
OI20 Tiwi OI20

stiged and this was usually sufficient to incapacitate the offender and make him decide to move—at least for a while—into some other district. The group thus hastily convened to mete out public justice seldom numbered more than sixty or seventy people (seven or eight households) and having been convened *ad hoc* would remain camped together only for the forty-eight hours or less needed to deal with the emergency.

Joint Activities

This discussion of the alternative lines of action open to an outraged household head enables us to specify the relatively rare occasions during the year when the dull, quiet, day-by-day, food-gathering routines of the dispersed household camps were interrupted by events that required many households to gather together in one place and indulge in joint action. Foremost among these occasions were big funerals and the *kolema* ceremonial, both of which were mentioned above. These were the main religious events of the year, full of dancing, singing, wailing, and excitement. The excitement was the psychological result of so many people being together at the same time, a rare experience in the life of any Tiwi. Since the *kolema* ceremonial was an annual event and even the most enthusiastic funeral goer did not attend more than three or four really big funerals in the course of a year, we may reckon that even an old and important man, much concerned with ritual observances, would probably find himself a participant in such crowd activities on not more than some six occasions per year. For less important men and for women and children the number of such occasions was less than six. The *kolema* ceremonial lasted two weeks or more, big funerals, even when they became the occasion for carrying on other public business, did not last more than four or five days each. Hence we may reckon an average of about a week each for the half-dozen times a really big man spent in the company of a sizable crowd of fellow tribesmen, giving a total annual average of about six or seven weeks at most out of every fifty-two—or a little less than 10 percent of the year spent by an old important man in large ceremonial activities or what Durkheim calls the collective life of the tribe.

In addition there were the smaller gatherings, such as the funerals of younger men and most women, and the calling together of a number of households to settle a dispute in the manner we have described above. These were collective occasions also but they brought together a considerably smaller crowd. A really big man's funeral was likely to draw over three hundred people or even as much as one-third of the whole tribe.[4] Not only did many

[4] Tamboo's funeral in May, 1929 (he died in the previous August) drew practically the full band membership (men, women, and children) of the four Bathurst Island bands; almost all the Munupula; many Mandiimbula; and large delegations from the remaining three bands. With such a crowd, an actual head count was difficult, especially of the children, but there must have been over four hundred people present. Needless to say, excitement was intense; more fights occurred, more insults were exchanged, more ancient feuds revived and new ones started, and more food consumed than at any funeral in living memory. At least that was the opinion of Tamboo's chief mourners, but since it was they who threw the party and had to pay for it, they may have been biased.

1: Hart & Pilling E-5 (1928-1954) 1960
OI20 Tiwi OI20

people come to such a funeral to express their kinship with, and pay their respects to, the deceased, but as mentioned above, many men with disputes to settle or fights to pick let such matters ride until the next big funeral was called and then took advantage of the large crowd to provide the necessary witnesses for the transaction of the outstanding legal business. Gatherings of many households for purely legal affairs, without funerals or *kolema* ceremonial as the main *raison d'etre* for the gathering, were comparatively rare and when they did occur they were usually called by one man, to settle one case only, and hence did not promote the attendance of very many households. Similarly, the funerals of most women and of younger and therefore less important men drew together at most ten or twelve households and a few other individuals, so that the crowd was usually not above one hundred people at the most. A single *ad hoc* legal duel, even when an episode in a long-drawn out and notorious dispute, seldom drew more than this number. Duels always attracted some spectators who came for the excitement, even though not personally involved, provided of course they were camped somewhere in the vicinity.

This second type of collective gathering, of which the smaller funerals and the single duels were the main occasions, might then require the attendance of a household head, accompanied by some or all of his household members, perhaps five or six times a year. These gatherings would each last less than forty-eight hours, and since the people the household head met at them would mostly be people of his own band or of closely adjoining bands, the excitement of seeing unfamiliar faces—people not seen for over a year perhaps—would be absent. We may reckon that attendance at these smaller, more localized gatherings, and the participation in group activity which they entailed, took up two more weeks, all told, out of the yearly round. When these two weeks are added to the six or seven already estimated for the time spent by a busy public man at the large gatherings, we find that even the busiest and most gregarious senior elders spent less than ten weeks out of the fifty-two in collective activity outside their immediate households.

To complete the list of occasions which called for joint activity by the members of several households, we must include the joint kangaroo hunt. This activity was very localized and very spasmodic, occurring only when and where conditions were right and somebody felt sufficiently energetic to organize it. Much of the Tiwi country is a mixture of dense scrub and relatively open savannah; kangaroo are relatively easy to hunt in the latter but very hard to get near in the denser types of vegetation. The native method of hunting was based on getting as close as possible to the animal before it saw or heard the hunter. If it detected the hunter, it fled, and no Tiwi in his senses ever threw a spear or a throwing stick at a moving kangaroo.[8] Only when the animal was standing still and the hunter was close enough to aim carefully at a vital part was the spear thrown. At certain seasons of the year, particularly after the end of the wet and early in the dry season, many sections of good kangaroo country gave very poor hunting returns because the grass had become

[8] The up-and-down movement of a hopping kangaroo in flight makes it an extraordinarily difficult target even for skilled white hunters armed with shotguns or rifles.

1: Hart & Pilling E-5 (1928-1954) 1960
OI20 Tiwi OI20

relatives, soon caught up with them. Several cases of such elopements occurred during the period of fieldwork, including the case of one young couple (Peanut and Jumbo's wife) who made repeated attempts to elope over a period of several years. But despite the relaxation of standards that white contact had brought, as long as they remained on the islands these violators of the system were soon forced back into conformity by outraged public opinion and its punitive sanctions. Unless he fled to the mainland with his girl, the young bachelor who stole an old man's young wife had to restore her sooner or later to her rightful husband. Under pre-white conditions they could not flee to the mainland; if they tried, they both probably drowned on the way or at least were never heard of again.

Thus the isolation of the Tiwi made the rule of the gerontocracy much more absolute, and the enforcement of it much more effective than was possible for any of the mainland tribes where violators of the rules could skip across the border. Tiwi bachelors had to be satisfied, by and large, with casual and temporary liaisons and even in these, because of the constant suspicion of the old husbands and the constant spying and scandalmongering of the old wives, they had to be prepared to be often caught and, when caught, to be punished. Thus we come to another of the main emphases in Tiwi culture—the enormous frequency of disputes, fights, duels, and war parties arising directly or indirectly out of cases of seduction. If we may call this area of life the legal area, then over 90 percent of legal affairs were matters in which women were in some way involved.

THE DUEL The Tiwi formula for handling seduction was very straightforward and clear-cut in its formal outline. Since senior men had young wives and young men had not, seduction was necessarily viewed as an offense by a young man against a senior man. Hence the charge was always laid by the senior and the younger man was always the defendant.[1] At night in camp the accuser hurled his charges at the offender. We described earlier the alternatives available at this stage to both parties. Two of those alternatives were for the old man to press the matter to a public "trial," either the next day, if the camp was already a large one, or else on the next occasion when both men were present in a big gathering.

The basic shape of all Tiwi trials was standardized in the form that we have been calling the duel. Everybody present—men, women, children, and dogs—formed a rough circle in an open space, sitting or standing according to their degree of excitement at the moment. At one end stood the accuser, the old man, covered from head to foot in white paint, with his ceremonial spears in one hand and a bundle of the more useful hunting spears in the

[1] Under pre-white conditions this had to be so. After the arrival of the Catholic missionaries, some young men through Mission manipulation got a young wife at an age that would have been impossible earlier. This resulted in an occasional case around the Mission where a *young* husband charged a man older than himself with seducing his wife. The resulting duel, with an older man as defendant, was regarded by the Tiwi as both embarrassing and ludicrous, perhaps analogous to the average American's attitude toward female professional wrestlers. (See Hart 1954 for a case of this sort, the duel of Bob v. Louis.)

1: Hart & Pilling E-5 (1928-1954) 1960
OI20 Tiwi OI20

other. At the opposite end stood the defendant, with little or no paint on him, perhaps holding a hunting spear or two in his hand (a sign of insolence), perhaps holding only throwing sticks (less defiant, since the stick was an inferior weapon more appropriate to young men), or perhaps entirely weaponless (a sign of proper humility and the deference to his seniors that all bachelors ought to show in such situations). The accuser, with many gestures, particularly with much stamping of the feet and chewing of the beard, told the young man in detail precisely what he and all right-minded members of the community thought of him. This angry, loud harangue went into minute detail, not only about the actual offense, but the whole life career of the defendant, and paid particular attention to occasions in the past when the old man even remotely, or some of his relatives, even more remotely, had performed kindnesses toward either the young man or some of his relatives. It is difficult to summarize briefly one of these harangues, but the general formula, subject to much variation by each individual accuser, appeared to be the building up of as much contrast as possible between the criminal or antisocial character of the young man's actions and the fact that he was a member of a network of interpersonal relationships in which mutual aid and reciprocal obligations were essential. The Tiwi orators, of course, did not put the matter in such abstract terms. They listed the long catalogue of people who had done things for the young man since his birth, and for his ancestors and relatives, until the catalogue took in practically the whole tribe—past, present, and future. And what had he done to repay his obligations to all these people? "Why, the miserable, ungrateful wretch spends his time hanging around my camp, etc., etc. And not only my camp, but last year it was widely believed that he was indulging in similar actions around the camp of my esteemed fellow-elder, So and So." We do not think that we are overintellectualizing the content of these harangues if we say that they involved the old man's reminding the young man of his debt to society, and his attempting to convey the idea that social life needed mutual aid and trust between all its members.

After twenty minutes or so of this sociological abuse and blame pinning, the old man threw aside his ceremonial spears and began to throw his hunting spears at the defendant. This active phase of the duel conformed to a stereotyped pattern which in some respects resembled baseball. The old man stood about ten feet farther away from the young man than the pitcher stands from the plate. The young man had to avoid being hit by the spears. To do this he was permitted to jump from side to side or into the air, or to duck, but he was expected always to land on approximately the same spot as he had been standing on when the first spear was thrown. Thus there was no marked strike zone, but an implied one. If the accused jumped well away from the strike zone, he was jeered by the crowd. If the old man was wild, he was jeered too, but more respectfully. Under such rules a modern baseball hitter, having no bat in his hand to worry about, would almost never be hit by a pitched ball, and the Tiwi young men were similarly never likely to be hit by an old man's spears. The main danger was the spear that pitched in the dirt. Although clearly outside the strike zone and hence an indication that the old man was

1: Hart & Pilling E-5 (1928-1954) 1960
OI20 Tiwi OI20

really wild, such a spear was apt to carom off the ground at an unexpected angle and inflict a severe wound before the spectators (as collective umpires) had time to call it—in which case the duel was over and the accused was punished.[8]

Apart from those that unpredictably deflected off the ground, or even off a neighboring tree, the young man could dodge the old man's spears indefinitely if he wanted to. He was much younger and hence almost invariably in much better shape than the older man. But if he did this, the old man soon began to look a little ridiculous, and Tiwi society thoroughly disapproved of young men who made old men look ridiculous in public. Continued dodging and jumping and weaving of the body, no matter how gracefully they were done, were not prolonged by any young man who hoped in time to become a respected elder himself. The elders in the last analysis controlled bestowals, and holding one of them up to public ridicule was sure to antagonize all of them. So the young man, having for five or ten minutes demonstrated his physical ability to avoid being hit, then showed a proper moral attitude by allowing himself to be hit. This took even greater skill in bodily movement. Trying to lose a fight without making it too obvious to the crowd and without getting hurt too much oneself is a problem that confronts some professional athletes in our own culture, and few of them do it with as much skill as the younger Tiwi in the same situation. A fairly deep cut on the arm or thigh that bled a lot but healed quickly was the most desirable wound to help the old man inflict, and when the blood gushed from such a wound the crowd yelled approval and the duel was over. The young man had behaved admirably, the old man had vindicated his honor, the sanctity of marriage and the Tiwi constitution had been upheld, and everybody went home satisfied and full of moral rectitude. Seduction did not pay.

This was the Tiwi duel as it ideally should be conducted, and in perhaps as many as two-thirds of all such disputes it was so conducted. Divergences from this form clearly arose from the unpredictability of human beings and their fondness for trying to exercise choice instead of following a set pattern. Though the dice were heavily loaded against them, some Tiwi young men chose defiance instead of repentance. There were various avenues of defiance open to them. The mildest was to refuse to allow the old man's spears to hit the target. Slightly more brazen were the young men who turned up at the beginning of the duel with throwing sticks or hunting spears in their hands, even though they used these not to throw but to knock aside contemptuously the spears of the old man. More brazen still was the young man, rare but not unknown, who went so far as to throw missiles back at the older accuser. All such attempts to defy the traditional pattern of the duel met with the same response, and that very quickly. The duel began as usual with the two antagonists facing one another inside the circle of spectators. As soon as it became apparent that the young man was not conforming to the normal pattern of meekness and nonretaliation, there would be immediate activity on the

[8] Two cases of broken legs below the knee within six weeks of each other in 1928 give some indication of the force with which such badly aimed spears would bounce off the ground.

1: Hart & Pilling E-5 (1928-1954) 1960
OI20 Tiwi OI20

sidelines. Two or three or four senior men would leave the spectators and range themselves alongside the accuser, spears in hand. Other senior men would quietly leave their seats and sit down in the audience alongside close relatives of the young defendant, particularly his full brothers or his father, if they were present, and gently lay restraining hands upon them. Within a few minutes there was no longer an old man facing a young man but as many as four or five old men facing one young man, and no sign of support for him. His close male relatives would keep their seats or (more often) allow themselves to be led away as if they did not want to witness what was coming next. Never, in any of these cases, did any supporter of the young man step into the ring and line up with him. He remained an isolate, faced by several older men, and of course he had no chance. It was easy to dodge the spears of one opponent, since they had to be thrown one at a time; it was impossible to dodge the spears of more than one, since they could be thrown more or less simultaneously.

Usually this baring of its teeth by society-at-large was enough. The group of elders did not need to throw many spears simultaneously. The accused capitulated by throwing aside his spears or throwing sticks, or if the defiance had been only of the mildest form—namely, an undue prolongation of the dodging—he allowed his accuser to score a direct hit and the duel ended in the normal way. In the rare cases of the accused refusing to give up, even when confronted by a menacing line of several elders, a concerted volley or two from them quickly knocked him out, and in pre-white days, usually killed him.[8] Crime thus paid even less for the accused who chose defiance than it did for the accused who allowed himself to be wounded in a duel by a doddering ancient three times his age. The greater the amount of defiance, the more clear it became that the doddering ancient, acting ostensibly as an outraged husband, was the responsible agent of society dispensing public justice. If he needed help, all responsible elders went to his aid, and the kinsmen of the accused stood aside and let justice take its course.

WARFARE Apart from the occasional castaways and the very occasional other visitors such as "Malays," the Tiwi in pre-white times had nobody to fight with except each other. Duels of the type we have just described were their only formula for settling disputes, and these occasionally became sufficiently broadened to warrant being called warfare. The expedition of Tiklauila and Rangwila to the country of the Mandiimbula which was listed in Chapter 2 among the travels of Tu'untalumi in 1928 was an example of this sort of activity. At least half a dozen senior members of the two first-named bands had disputes with various individuals among the Mandiimbula. Some of these were seduction cases but some of them involved charges by elder against elder,

[8] Since the coming of white administration, the Tiwi have found that when a man is killed in a native duel, there is a strong likelihood that white policemen will appear and will drag some of them off to Darwin where incomprehensible proceedings called murder trials then take place. To avoid such nonsense, since about 1925 they have tended to use throwing sticks rather than spears in their fighting. Throwing sticks, while dangerous, seldom kill people outright and as long as nobody is killed, the police in Darwin show no interest in native fights on the islands.